

Application No. 09/768,747
Amendment "D" dated September 23, 2004
Reply to Office Action mailed September 10, 2004

REMARKS

The latest Office Action, mailed September 10, 2004, considered claims 1-8, 10 and 12-39. Claims 1-8 and 10 were rejected¹ and claims 12 and 14-39 were found allowable.

This amendment after final should be entered, without an RCE, because it places all claims in immediate condition for allowance without introducing any new issues.

Initially, it will be noted that claim 8 should not have been rejected inasmuch as it depends on claim 12 and inasmuch as claim 12 was found to be allowable.

By this paper, the rejected claims 1-7 and 10 have been cancelled² in favor of the allowed claims, to expedite the issuance of the allowed claims. Accordingly, all of the claims that now remain pending (8, 12 and 14-39) should now be allowed inasmuch as they were previously found allowable in the last action, or in the case of claim 8, depend on an allowable independent claim.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23 day of September 2004.

Respectfully submitted,



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¹ The claims were rejected in view of newly cited art, Ljungqvist (U.S. Patent No. 6,611,535), under 35 U.S.C. § 103(a).

² The cancellation of the rejected claims should not, however, be construed as acquiescing to the purported teachings or prior art status of the newly cited art that was used to reject the cancelled claims. It should also be appreciated that the Applicant also has no intent of abandoning the subject matter of the cancelled claims at this time. To the contrary, Applicant is intending to pursue the cancelled claims in a continuation.